

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

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Case No.	2:15-cv-05742-CAS (PLAx)	Date	May 12, 2017
Title	ALEXSAM, INC. V. GREEN DOT CORPORATION ET AL.		

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) - PLAINTIFF’S EX PARTE APPLICATION FOR CLARIFICATION OF THE COURT’S ORDER (Filed May 11, 2017, Dkt. 241)

The Court is in receipt of plaintiff’s ex parte application for clarification of the Court’s April 10, 2017 order regarding the discovery cutoff date. Dkt. 241.

On August 6, 2015, shortly after this case was filed, the Court issued a notice to counsel. Dkt. 18. In said instruction to the parties, the Court noted that:

[t]he Court expects that by the date of the discovery cutoff, all discovery and responses thereto shall have been served, and all motions to compel will be on file and have been argued (but not necessarily decided). The only discovery that may be conducted after the discovery cutoff date without leave of Court is discovery ordered by the Magistrate Judge for which a timely-filed motion was pending and argued before the discovery cutoff date. Unless the Court has issued a contrary order, all discovery motions should be set before the Magistrate Judge to whom this case is assigned.

Dkt 18. The same information appears on the Court’s website.

In the Court’s April 10, 2017 order the Court granted plaintiff’s motion to extend the discovery cutoff:

[t]he Court modifies the scheduling order to extend the cutoff for discovery relating to the damages issues raised herein. For present purposes, the

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foregoing discovery cutoff shall be continued to **May 10, 2017** to permit plaintiff to file a motion to compel discovery. The parties shall address any issues relating to the schedule for briefing a motion to compel to the Magistrate Judge.

Dkt. 216 (emphasis in original).

On May 3, 2017, plaintiff filed a motion before Magistrate Judge Paul Abrams to compel discovery. Dkt. 233. On May 10, 2017, Magistrate Judge Abrams denied plaintiff’s motion because the motion could not be argued prior to the discovery cutoff of May 10, 2017, and was therefore untimely. Dkt. 240. The instant motion followed.

Plaintiff now requests clarification of the Court’s April 10, 2017 order and asserts that the proper interpretation would permit plaintiff to *file* a motion to compel discovery no later than May 10, 2017 rather than set the discovery cutoff as May 10, 2017. Plaintiff is incorrect.

On April 10, 2017, the Court continued the “discovery cutoff” to May 10, 2017, and expressly instructed the parties to direct briefing schedule concerns to the Magistrate Judge. Magistrate Judge Abrams’s May 10, 2017 ruling regarding plaintiff’s motion to compel discovery was consistent with the discovery cutoff set by the Court. Accordingly, plaintiff’s ex parte application is **DENIED**.

IT IS SO ORDERED.

Initials of Preparer

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CMJ	